IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 6738 OF 2005

Madhukar Bama Patil. ... Applicant
Versus.
The State of Maharashtra. ... Respondent.

Shri Ganesh Gole for the Applicant.

Ms.S.D.Shinde, A.P.P. for the Respondent.

CORAM : ABHAY S. OKA, J.

DATED : 18th October, 2005.

P.C.:

1. Heard the learned Advocate for the Applicant and the learned A.P.P. for the State. After having heard the learned Advocates appearing for the parties, I find that a case is made out for grant of anticipatory bail. Initially offence has been registered under section 325 of the Indian Penal Code and later on it was converted into the one under section 326 of the IPC. On a plain reading of the F.I.R., the specific allegation of assault seems to be against the co-accused and except for the presence at the scene of offence, there does not appear to be any specific allegation against the Applicant. Hence a case is made out for grant of pre-arrest bail.

2. Hence the following order is passed:

(i) In the event of the arrest of the Applicant in connection with C.R.No.I-285 of 2005 registered with Kalamboli Police Station, the Applicant shall be enlarged on bail subject to furnishing P.R.Bond in the sum of Rs.5,000/- with one or two sureties in the like amount.

(ii) The Bail is granted subject to condition that the Applicant will attend the concerned Police Station as and when called upon to do so till the filing of the charge sheet.

(iii) The Bail is granted subject to condition that the Applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of accusation against him so as to dissuade him from disclosing such facts to the Court or to the Police Officer/ Investigating Agency. The Applicant shall not tamper with the prosecution evidence.

(iv) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the

case at the time of trial.

(v) This order will enure to the benefit of the Applicant only till charge sheet is filed. Thereafter he will be free to apply to the appropriate Court for appropriate relief.

(vi) Application is disposed of in above terms.

(vii) The parties to act upon an authenticated copy of this order.

Judge.